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7 **UNITED STATES DISTRICT COURT**
8
9 **DISTRICT OF NEVADA**

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11 ANN REISCH, an individual,
12
13 Plaintiff,
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15 v.
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17 NORTH AMERICAN VAN LINES, INC.,
18 a foreign corporation; SIRVA WORLDWIDE,
19 INC. dba SIRVA WORLDWIDE
20 RELOCATION & MOVING, a foreign
21 corporation; DIRECT CONNECT LOGISTIX,
22 INC., a foreign corporation; GLOBAL
23 TRANSPORT GROUP, LLC, a foreign
24 corporation; BELTMANN GROUP
25 INCORPORATED dba BELTMANN
RELOCATION GROUP, INC., a foreign
corporation; inclusive,
Defendants.

Case No.: 3:20-cv-00474-RCJ-CLB

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28 **STIPULATION REGARDING**
REMOTE DEPOSITIONS

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30 Pursuant to Fed. R. Civ. P. Rule 30(b)(4), Plaintiff ANN REISCH, by and through her
31 undersigned counsel and Defendants NORTH AMERICAN VAN LINES, INC., SIRVA
32 WORLDWIDE INC., dba SIRVA WORLDWIDE RELOCATION AND MOVING, and
33 BELTMANN GROUP INCORPORATED, dba BELTMANN RELOCATION GROUP, INC.
34 (collectively, the “Parties”) stipulate and agree to taking depositions by remote means as a result
35 of the ongoing COVID-19 pandemic in accordance with the following rules and procedures:

36 1. The applicable Federal Rules of Civil Procedure and District of Nevada Local
37 Rules shall be followed at all times.

1 2. Remote depositions may be used at a trial or hearing to the same extent that an in-
 2 person deposition may be used at trial or hearing, and the Parties agree not to object to the use of
 3 deposition on the basis that the deposition was taken remotely. The Parties reserve all other
 4 objections to the use of any deposition testimony at trial.

5 3. Remote depositions shall be recorded by stenographic means consistent with the
 6 requirements of Rule 30(b)(3), but given the COVID-19 pandemic, it is not necessary for the
 7 court reporter to be physically present with the witness whose deposition is being taken, so long
 8 as the court reporter has a clear connection and can accurately hear all parties at all times during
 9 the deposition. The court reporter's transcript shall constitute the official record.

10 4. The Parties agree that the court reporter is an "Officer" as defined by Federal Rule
 11 of Civil Procedure 28(a)(2) and shall be permitted to administer the oath to the witness remotely
 12 via the videoconference, which oath shall have the same force and effect as though administered
 13 in person in the United States. The deponent will be required to provide government-issued
 14 identification satisfactory to the court reporter, and this identification must be legible on the video
 15 record.

16 5. The Parties agree not to challenge the validity of any oath administered by the
 17 court reporter, even if the court reporter is not a notary public in the state where the deponent
 18 resides.

19 6. If the deposition notice states that the deposition may be video recorded, the court
 20 reporter shall video record the deposition using the recording function of the videoconferencing
 21 platform. Alternatively, if a videographer is used and not present with the witness, the
 22 videographer may control the recording function of the platform. The court reporter or
 23 videographer shall also announce each time he/she has activated and deactivated the record
 24 function on the videoconferencing platform. If the court reporter controls the video recording,
 25 the Parties agree not to challenge the validity of the recordings because a videographer did not
 26 control the recordings.

27 7. Due to the altered pace of a remote deposition, the Parties agree to extend the on-
 28 record deposition time to 7.5 hours.

1 8. The Parties agree to work together to schedule depositions for a mutually
 2 agreeable time. When agreeing to a time for the deposition, the parties will consider the time
 3 zone differences among the various participants.

4 9. No other attendees other than the parties to the subject lawsuit, their respective
 5 counsel and support staff, and counsel for the witness, shall be allowed to participate in the
 6 remote deposition without prior consent of all counsel. This includes appearing individually
 7 within the video conference platform and/or being present within the room where the attendee is
 8 viewing the video conference deposition.

9 10. Unless otherwise agreed by the parties, the deponent, court reporter, and counsel
 10 for the parties will each participate in the videoconference deposition remotely and separately.
 11 Each person attending a deposition shall be visible to all other participants, their statements shall
 12 be audible to all participants, and they should each ensure their environment is free from noise
 13 and distractions. If the Parties agree, and if the witness or any other participant is unable to attend
 14 by videoconference despite reasonable best efforts to do so, that participant may appear
 15 telephonically (i.e., by audio only). Nothing in this paragraph shall prevent anyone from
 16 participating in the videoconference deposition from the same location as their counsel should
 17 they decide to do so.

18 11. The witness and all counsel or parties appearing on the record shall state their
 19 appearances clearly for the record, and they shall not disable their cameras or go off camera
 20 during the deposition unless there is a break or unless they are necessarily appearing by telephone
 21 pursuant to Paragraph 12.

22 12. The witness will turn off his or her cell phone, smart watch, or similar device,
 23 when the deposition is on the record. Should the witness lose his or her connection during the
 24 deposition, the witness may use his or her cell phone as necessary to contact the court reporter
 25 and reestablish the connection, but shall turn his or her cell phone back off before going back on
 26 the record.

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1 13. If background noise or feedback is a problem, the participants will mute their
 2 audio, except when examining the witness, voicing an objection, responding to an objection,
 3 providing information, or making a statement for the record.

4 14. The witness will be sitting close enough to the camera to detect facial expressions
 5 and other body language. The camera will be focused on the witness.

6 15. While the deposition is on the record, no person shall engage in a private
 7 conference with the witness in any way whatsoever, including through text messages, electronic
 8 mail, or any chat function, including the chat function of the videoconferencing system.

9 16. If a connection is lost, the parties will go off the record until the problem is
 10 resolved. A lost connection will not count toward the time limit for the length of the deposition.

11 17. The Parties will work collaboratively and in good faith with the court reporter to
 12 assess each deponent's technological abilities and to troubleshoot any issues at least 48 hours in
 13 advance of the deposition so any adjustments can be made. The Parties also agree to work
 14 collaboratively to address and troubleshoot technological issues that arise during a remote
 15 deposition and make such provisions as are reasonable under the circumstances to address such
 16 issues. This provision shall not be interpreted to compel any Party to proceed with a deposition
 17 where the deponent cannot hear or understand the other participants or where the participants
 18 cannot hear or understand the deponent.

19 18. Regarding the exchange and use of exhibits:

20 (i) Unless otherwise agreed, counsel will provide deponent and opposing
 21 counsel with exhibits for the deposition at least one (1) hour before the start of the
 22 deposition.

23 (ii) Counsel will endeavor to pre-mark exhibits and number them sequentially
 24 and will attempt to streamline the exchange and use of exhibits for remote
 25 depositions to avoid the exchange of duplicative exhibits.

26 (iii) The purpose of this process is to attempt to streamline the exchange and
 27 use of exhibits: this process is not intended to provide prior disclosure or notice
 28 of potential deposition exhibits to the deponent or the other parties. No document

1 may be excluded from the deposition, and no objection may be made at the
2 deposition, on the grounds that the document was not identified and circulated as
3 provided in this Section.

4 (iv) Counsel may introduce exhibits electronically during the deposition, by
5 using the court reporter's document-sharing technology, by using the screen
6 sharing technology within the videoconferencing platform, or by sending the
7 exhibit to the deponent and all individuals on the record via electronic mail. At
8 the conclusion of the deposition, deposing counsel shall email to the court reporter
9 all exhibits used by counsel and marked by the court reporter during the
10 deposition.

11 (v) The witness, to the extent possible, should have a computer available to
12 receive and view potential deposition exhibits.

13 19. The witness will read and sign his or her deposition and complete an errata sheet.

14 20. The Parties agree that this Stipulation and Order applies to remote depositions of
15 nonparties under Rule 45 and shall work in a collaborative manner in attempting to schedule
16 remote depositions of non-parties. The Party noticing any non-party deposition shall provide this
17 Stipulation to any counsel for any non-party under Rule 45 within a reasonable time before the
18 date of the deposition. Counsel for the non-party should alert deposing Party of any issue
19 complying with this stipulation no later than five (5) court days before the deposition.

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1 21. Counsel will work together, be willing to discuss suggestions or alternative
2 methods conducting remote depositions, including the handling of exhibits, and be flexible in
3 light of any safety or health concerns involving the Covid-19 pandemic.

4 **IT IS SO STIPULATED AND AGREED.**

5 DATED this 26th day of January, 2021.

6 **Lemons, Grundy & Eisenberg**

7 By: /s/ Sarah M. Molleck, Esq.

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9 Sarah M. Molleck, Esq.
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15 smm@lge.net
16 Attorneys for Plaintiff Ann Reisch

17 DATED this 26th day of January, 2021.

18 **Lewis, Brisbois, Bisgaard & Smith LLP**

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28 Attorneys for Defendants

North American Van Lines, Inc., SIRVA
Worldwide, Inc. dba SIRVA Worldwide
Relocation & Moving, and Beltmann
Group Incorporated dba Beltmann
Relocation Group

19 IT SO ORDERED.

20 Dated: January 28, 2021

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22 UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

Pursuant to F.R.C.P. 5(b), I certify that I am an employee of LEMONS, GRUNDY & EISENBERG, and that on January 26, 2021, I served a true and correct copy of the **STIPULATION REGARDING REMOTE DEPOSITIONS** on the party(s) set forth below:

BY MAIL: in an envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Reno, Nevada, following ordinary business practices;

BY PERSONAL SERVICE: in an envelope to be hand delivered this date;

BY OVERNIGHT DELIVERY: in an envelope to be delivered to an overnight delivery carrier with delivery fees provided for;

BY FACSIMILE: by transmitting by facsimile to the respective fax telephone phone number(s);

BY USING THE COURT'S EFS which electronically served the following;

Josh Cole Aicklen, Esq.
Martin M. Manke, Esq.
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North American Van Lines, Inc.,
SIRVA Worldwide, Inc., and
Beltmann Group Incorporated

/s/ Lisa Wagner